Page 1 of 1

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# UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO.

: 7,214,364 B2

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Hana Verny, Esq. Peters Verny, LLP 425 Sherman Avenue, Suite 230 Palo Alto, CA 94306

APPLICATION NO.	: 10/613,639
ISSUE DATE	: May 8, 2007
INVENTOR(S)	: Alan Bruce Montgomery; Manfred Keller; Frank-Christophe Lintz
It is certified Letters Patent is her	that an error appears or errors appear in the above-identified patent and that said eby corrected as shown below:
ON THE FRONT PAGE	E, AT (75)
After "Inventor: Alan E Frank-Christopbe Lintz	iruce Montgomery, Medina WA (US)" insert –Manfred Keller, Muenchen (Germany); , Starnberg (Germany)–

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patent No.: 7,214,364

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1616

Examiner: James Henry Alstrum-Acevedo

Confirmation No.: 4624

Customer No.: 23308

Patentee:

Alan Bruce Montgomery, et al.

Serial No.: 10/613,639 Filing Date: July 3, 2003

Patent No.: 7,214,364

Issue date: May 8, 2007

FORMULATION FOR TREATMENT AND

PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Certificate of Corrections Branch Commissioner for Patents

For: INHALABLE AZTREONAM LYSTNATE

P.O. Box 1450 Alexandria, VA 22313-1450

CERTIFICATE OF MAILING Or FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1), or ELECTRONIC FILING UNDER 37 C.F.R §1.8(a)(1)(C)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Commissioner for Patents, P.O. Box 1450, Alexandria Virginia, 22313-1450,

 $\underline{\hspace{0.3cm}}$  facsimile transmitted to the U.S. Patent and Trademark Office on the  $\overline{\mbox{date}}$  shown below.

 $\frac{\sqrt{}}{\text{with } \$1.6(a)}$  transmitted via the Office electronic filing system in accordance

Dated: July 30, 2008

Name: Melinda Tompkins
Printed Name

# REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. 1.322

The patentee of the above-identified patent, through its attorney, hereby petitions for issuance of Certificate of

Correction in the above-identified patent. A completed Certificate of Correction Form PTO/SB/44 is enclosed herein.

ON THE FRONT PAGE OF THE PATENT begins on page 3 of this paper.

REMARKS begin on page 4 of this paper.

This Request is being filed with an EFS-WEB Transmittal Form, Certificate of Correction, and supporting documentation.

No fees are believed to be necessary with the filing of this request. However, if it is determined that some fees may be required, the Commissioner is authorized to charge such fees to Peters Verny, LLP Deposit Account 16-1331.

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# ON THE FRONT PAGE OF THE PATENT

On the front page of the patent (75) after "Inventor: Alan Bruce Montgomery, Medina, WA (US)" insert "Manfred Keller, Muenchen (Germany), Frank-Christophe Lintz, Starnberg (Germany)"

# REMARKS

Errors in the identified inventorship which have occurred through the fault of the Patent Office appear in the above-identified patent. Patentee respectfully requests that such errors are corrected by issuing Certificate of Correction.

Patentee submits that during the prosecution and examination of the above-identified patent application, Patentee became aware that, inadvertently, an error occurred in determination of inventorship in the above-identified application. In order to correct this error in inventorship, Patentee submitted, on October 25, 2004, to the Patent Office following documents: Transmittal letter, Amendment, Request and Fee to Add Names of Inventors, Consent of Assignee to Change Inventorship in the Patent Application; Statement by A. Bruce Montgomery; Statement by Manfred Keller; Statement by Frank-Christophe Lintz; Original signed Declaration and Power of Attorney; Check in the Amount of \$130.00; and Postcard (copies enclosed).

All documents were received by the Patent Office on October 28, 2004 as evidenced by the stamped returned postcard (copy enclosed). Stamped postcard was received by the Attorney of Record's office on November 1, 2004.

The PAIR page, retrieved from the Patent Office website on August 12, 2005, shows that the documents for correction of Inventorship were received by the Patent office on October 28, 2004 (copy enclosed).

The patent 7,214,364 issued on May 8, 2007 with the name of only one original inventor, namely Alan Bruce Montgomery. The names of the two additional inventors, namely Manfred Keller and Frank-Christophe Lintz, are missing.

The Patent Office did not act on the papers submitted by Patentee for correction of inventorship and consequently the

5

PATENT

error in the inventorship occurred that requires correction by Certificate of Correction.

Patentee submits that the error in the patent incurred through the fault of the Office and such mistake is clearly disclosed in the records of the Office. Patentee respectfully requests issuance of Certificate of Correction under 35 C.F.R. 1.322 (a)(1).

Respectfully submitted

Date: July 30, 2008

Hana Verny (Reg. No. 30,518)

PETERS VERNY, LLP 425 Sherman Avenue, Suite 230 Palo Alto, CA 94306 Tel: (650) 324-1677 Fax: (650) 324-1678 Attorney Dkt. No.: 3818.02-5 (HV)  $\mathcal{PW}_{(1)} = \text{Replicant: montgomery}$  Title: inhalbele atterment and perfection of Kindly Stamp receipt date and mail to acknowledge WFFO the CHECK ENCLOSEPERTS; VERNY, CERTIFICATE OF MAILING BY FIRST CLASS MAIL JONES & SCHMITT FILED: JULY 3, 2003 LMONARY BACTERIAL INFECTIONS SERIAL NO.: 10/613,639 FEES: \$130.00 accompanying:

REQUEST TO ADD. INVENTORS. RECEIVED

Transmittal Letter;

- - Statement by A. Bruce Montgomery; Statement by Manfred Keller;

Statement by Frank-Christophe Lintz;

- ATTY DKT. NO.: 3818.02-5 (HV) DATE MAILED: October 25, Original Signed Declaration and Power of Attorney; Check in the Amount of \$130.00; and ATTY/SECTY: HV:MT Postcard,

PETITION FEE

AMOUNT OF

\*\*\*\*\*ONE HUNDRED THIRTY DOLLARS AND NO CENTS\*\*\*\*

TO THE ORDER OF

BIVO

10/25/04 COMMISSIONER FOR PATENTS

SERIAL NO.: 10/613,639

130.00

11-4288

DESCRIPTION NUMBER DOLLARS 69 CHECK AMOUNT

PETITION FEE PETERS, VERNY, JONES AND SCHMITT, LLP 24156

FILED: July 3, 2003

WELLS FARGO BANK

1.05r 1281 1210r 5885120 E82 10458011

APPLICANT: MONTGOMERY

PULMONARY BACTERIAL INFECTIONS TITLE: INHALABLE AZTRECHAM LYSIHATE FORMULATION FOR TREATMENT AND PREVENTION OF

SERIAL NO.: 10/613,639

CERTIFICATE OF MAILING BY FIRST CLASS MAIL FEES: \$130.00 CHECK ENCLOSED: Yes FILED: JULY 3, 2003

Kindly Stamp receipt date and mail to acknowledge receipt of the

# REQUEST TO ADD INVENTORS

# Transmittal Letter;

accompanying:

- Consent of Assignee to Change of Inventorship in the Parent Amendment, Request and Fee to Add Names of Inventors;
- Application;
- Statement by Manfred Keller; Statement by A. Bruce Montgomery;
- Statement by Frank-Christophe Lintz;
- Original Signed Declaration and Power of Attorney; Check in the Amount of \$130.00; and
- Postcard.

DUE DATE: ATTY/SECTY: HV:MI

ATTY DKT. NO.: 3818.02-5 (HV) DATE MAILED: October 25, 2004

# TRANSMITTAL LETTER (General - Patent Pending)

Docket No. 3818.02-5

In Re Application Of: ALAN BRUCE MONTGOMERY, ET AL.

Application No. 10/613,636

Filing Date JULY 3, 2003

Examiner HAGHIGHATIAN, MINA Customer No.: Group Art Unit | Confirmation No. 23308

1616

4624

Title: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT

AND PREVENTION OF PULMONARY BACTERIAL INFECTIONS

# COMMISSIONER FOR PATENTS:

Transmitted herewith is:

- 1. TRANSMITTAL LETTER;
- 2. AMENDMENT; REQUEST AND FEE TO ADD NAMES OF INVENTORS; 3. CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP IN THE PARENT APPLICATION;
- 4. STATEMENT BY A. BRUCE MONTGOMERY;
- 5. STATEMENT BY MANFRED KELLER:
- 6. STATEMENT BY FRANK-CHRISTOPHE LINTZ; 7. ORIGINAL SIGNED DECLARATION AND POWER OF ATTORNEY: OF ATTORNEY: 8. CHECK IN THE AMOUNT OF \$130; AND 9. POSTCARD.

in the above identified application.

- No additional fee is required.
- A check in the amount of

is attached.

- ☑ The Director is hereby authorized to charge and credit Deposit Account No. as described below.
  - Charge the amount of
  - Credit any overpayment.
  - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Dated: OCTOBER 25, 2004

HANA VERNY (REG. NO. 30,518) PETERS, VERNY, JONES & SCHMITT LLP 385 SHERMAN AVENUE, SUITE 6 PALO ALTO, CA 94306 TELEPHONE: (650)324-1677

FACSIMILE: (650)324-1678

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on OCTOBER 25, 2004

Signature of Person Mailing Correspondence

MELINDA TOMPKINS

Typed or Printed Name of Person Mailing Correspondence

CC:

In re Application of

Group Art Unit: 1616

ALAN BRUCE MONTGOMERY, ET AL.

Examiner: HAGHIGHATIAN, MINA

Serial No.: 10/613,639 Filed: JULY 3, 2003

For: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND

PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on October 25, 2004.

Melinda Tompkins

AMENDMENT, REQUEST AND FEE TO ADD NAMES OF INVENTORS OF INVENTION ORIGINALLY DISCLOSED AND NOW BEING CLAIMED (37 C.F.R. 148(C)) NON-PROVISIONAL APPLICATION

1. This Amendment and Request under 37 C.F.R. § 1.48(c) is to add the names of the following persons as inventors who are the inventors of the invention now being claimed:

Manfred Keller

Frank-Christophe Lintz

 The claims in this application are as follows: Originally filed claims 1-20. 3. Statement From Each Person Being Added As Inventor (37 C.F.R. §1.48(c)(1)):

Attached is a statement from each person being added as an inventor that the inventorship error occurred without deceptive intent on his or her part.

4. Declaration (37 C.F.R. §1.48(c)(2)).

Attached is a declaration by the actual inventors as required by §1.63 (or as permitted by §§ 1.42, 1.43 or 1.47).

5. Assent of Assignee of Any Originally Named Inventors (37 C.F.R. § 1.48(c)(4).

Attached is the written consent of the assignee of the originally named inventor.

Fee (37 C.F.R. §1.17(i)).

The fee required is paid as follows: Enclosed is a check for \$130.00.

Charge Deposit Account 16-1331 for any fee deficiency.

Respectfully submitted,

Date: October 25, 2004

Hana Verny (Reg. No. 30,518)

Attorney of Record

PETERS, VERNY, JONES & SCHMITT, L.L.P. 425 Sherman Avenue, Suite 230

Palo Alto, CA 94306

TEL 650 324 1677 / FAX 650 324 1678

Atty. Dkt.: 3818.02-5 (HV)

In re Application of )
ALAN BRUCE MONTGOMERY, ET AL. )

Serial No.: 10/613,639 )
Filed: JULY 3, 2003 )

Group Art Unit: 1616
Examiner: N/A

For: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on Action 15, 2004.

Melinda Tompkins

# CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP IN THE PATENT APPLICATION UNDER 37 C.F.R. \$3.73(b)

Corus Pharma, Inc., owner by assignment of the above patent application, in the Assignment recorded in the Patent Office on November 10, 2003 at Reel 014674 and Frame 0290, hereby consents to the amendment of inventorship of this patent application as requested in the accompanying papers.

Dated:

Signature Title:\

Corus Pharma, Inc.

In re Application of )
ALAN BRUCE MONTGOMERY, ET AL. )

Serial No.: 10/613,639 |
Filed: JULY 3, 2003 |

For: INHALABLE AZTRECNAM LYSINATE FORMULATION FOR TREATMENT AND

PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on Contact of 2007.

\_\_\_\_

# STATEMENT

I, ALAN BRUCE MONTGOMERY, hereby state that the omission of Manfred Keller's and Frank-Christophe Lintz's names as co-inventors and the error in inventorship happened without any deceptional intent on my, or anybody else's part, and that until now I believed myself to be properly named as sole inventor. When the error in inventorship was discovered, my co-inventors, Corus Pharma, Inc., the assignee of the invention and our patent attorney immediately took all necessary steps to correct this error.

Dated:

Sant 14, 2004

ALB 12

In re Application of

ALAN BRUCE MONTGOMERY, ET AL.

Group Art Unit: 1616

Serial No.: 10/613,639

Examiner: N/A

Filed: JULY 3, 2003

For: INHALABLE AZTREONAM LYSINATE

FORMULATION FOR TREATMENT AND

PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on Commissioner for Patents, Washington, Washington,

Melinda Tompkins

# STATEMENT

I, MANFRED KELLER, hereby state that the omission of my and Frank-Christophe Lintz's names as co-inventors and the error in inventorship happened without any deceptional intent on my, or anybody else's part, and that until now I did not know that this error in inventorship occurred. When the error in inventorship was discovered, my co-inventors, Corus Pharma, Inc., the assignee of the invention and our patent attorney immediately took all necessary steps to correct this error.

Danci

Sept. 17, 2004

Manfred Keiler

In re Application of

Group Art Unit: 1616

ALAN BRUCE MONTGOMERY, ET AL.

Examiner: N/A

Serial No.: 10/613,639

Examiner: N/

Filed: JULY 3, 2003

FOR: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND

PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir.

# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Agsistant Commissioner for Patents, Washington, D.C. 2023l on Arthur 1, 2004.

Melinda Tompkins

# STATEMENT

I, FRANK-CHRISTOPHE LINTZ, hereby state that the omission of my and Manfred Keller's names as co-inventors and the error in inventorship happened without any deceptional intent on my, or anybody else's part, and that until now I did not know that this error in inventorship occurred. When the error in inventorship was discovered, my co-inventors, Corus Pharma, Inc., the assignee of the invention and our patent attorney immediately took all necessary steps to correct this error.

Dated.

Sep 16 2004

FRANK-CHRISTOPHE LINTZ

the specification of which

Application Number 10/613,639

(check one)

☑ is attached hereto.
☑ was filed on JULY 3, 2003

Docket No. 3818.02-5

# Declaration and Power of Attorney For Patent Application English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION OF

as United States Application No. or PCT International

INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION OF PULMONARY BACTERIAL INFECTIONS

and was amer	ided on					
		(if applicable)				
I hereby state tha including the claim	hereby state that I have reviewed and understand the contents of the above identified specification, cluding the claims, as amended by any amendment referred to above.					
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.						
I heroby claim for	rolon adade, b	05.110.5				
application(s) for p application which below and have inventor's or plant	atent, or plant breeder's right designated at least one co also identified below, by c	35 U.S.C. 119(a)-(d) or (f), or ghts certificate(s), or 365(a) of untry other than the United Statecking the box, any foreign s), or any PCT international apportity is claimed.	any PCT International ates of America, listed			
application(s) for p application which below and have inventor's or plant	patent, or plant breeder's ri- designated at least one co- also identified below, by ci- breeder's rights certificate(s the application on which pric	ghts certificate(s), or 365(a) of untry other than the United Sta hecking the box, any foreign s), or any PCT international approach	any PCT International ates of America, listed			
application(s) for papplication which below and have inventor's or plant date before that of Prior Foreign Appli	natent, or plant breeder's rid designated at least one co also identified below, by ci breeder's rights certificate(s the application on which pric cation(s)	ghts certificate(s), or 365(a) of untry other than the United Sta hecking the box, any foreign s), or any PCT international approach	any PCT Internationa ates of America, listed application for patent olication having a filing			
application(s) for papplication which below and have inventor's or plant date before that of Prior Foreign Appli	patent, or plant breeder's ri- designated at least one co- also identified below, by ci- breeder's rights certificate(s the application on which pric	ghts certificate(s), or 365(a) of untry other than the United Sta hecking the box, any foreign s), or any PCT international approach	any PCT Internationa ates of America, listed application for patent olication having a filing Priority Not Claimed			
application(s) for papplication which below and have inventor's or plant date before that of	natent, or plant breeder's rid designated at least one co also identified below, by ci breeder's rights certificate(s the application on which pric cation(s)	ghts certificate(s), or 365(a) of untry other than the United Stathecking the box, any foreign s), or any PCT international appority is claimed.	any PCT Internationa ates of America, listed application for patent plication having a filing Priority Not Claimed			
application(s) for papplication which below and have inventor's or plant date before that of Prior Foreign Appli (Number)	natent, or plant breeder's ridesignated at least one co also identified below, by ci breeder's rights certificate(s the application on which pric ication(s)	ghts certificate(s), or 365(a) of untry other than the United Statecking the box, any foreign s), or any PCT international appority is claimed.  (Day/Month/Year Filed)	any PCT Internationa ates of America, listed application for patent olication having a filing Priority Not Claimed			

			Page 2			
I hereby claim the benefit under application(s) listed below:	35 U.S.C. Section 119(e	e) of any United States	s provisional			
60/258,423	DECEMBER 27, 2000					
(Application Serial No.)	(Filing Date)					
(Application Serial No.)	on Serial No.) (Filing Date)					
(Application Serial No.)	(Filing Date)					
I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:						
10/027,113	DECEMBER 20, 2001	PENDING				
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, a	bandoned)			
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, a	bandoned)			
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, a	bandoned)			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

HANA VERNY (REG. NO. 30,518) HOWARD M. PETERS (REG. NO. 29,202) ALLSTON L. JONES (REG. NO. 27,906) SUSAN M. SCHMITT (REG. NO. 34,427) DAVID J. ASTON (REG. NO. 28,051) PETERS, VERNY, JONES & SCHMITT LLP

Send Correspondence to: HANA VERNY

PETERS, VERNY, JONES & SCHMITT LLP

425 SHERMAN AVENUE, SUITE 230

PALO ALTO, CA 94306

Direct Telephone Calls to: (name and telephone number)

HANA VERNY (650)324-1677

ALAN BRUCE MONTGOMERY	
Sole or first inventor's signature	Sept 14 2004
Residence 3455 EVERGREEN PT. ROAD, MEDINA, WASHINGTON 98030	240.
Citizenship UNITED STATES	
Post Office Address SAME AS ABOVE	

MANFRED KELLER	
Second inventor's signature	Date
Residence NEUNKIRCHNER STRASSE 60, 81379 MUNCHEN, GERMAN	Y
Citizenship GERMANY	
Post Office Address SAME AS ABOVE	

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

HANA VERNY (REG. NO. 30.518) HOWARD M. PETERS (REG. NO. 29,202) ALLSTON L. JONES (REG. NO. 27,906) SUSAN M. SCHMITT (REG. NO. 34,427) DAVID J. ASTON (REG. NO. 28,051) PETERS, VERNY, JONES & SCHMITT LLP

Send Correspondence to: HANA VERNY

PETERS, VERNY, JONES & SCHMITT LLP 425 SHERMAN AVENUE, SUITE 230

PALO ALTO, CA 94306

Direct Telephone Calls to: (name and telephone number)

HANA VERNY (650)324-1677

Full name of sole or first inventor ALAN BRUCE MONTGOMERY

Sole or first inventor's signature

3455 EVERGREEN PT. ROAD, MEDINA, WASHINGTON 98030

Citizenship UNITED STATES

Post Office Address SAME AS ABOVE

Full name of second inventor, if any FRED KELLER

tor's signature

NEUNKIRCHNER STRASSE 60, 81379 MUNCHEN, GERMANY

GERMANY

SAME AS ABOVE

Sept. 14, 2004

Date

Fundame of third inventor, if any > FRANK-CHRISTOPHE LINTZ	
Thiro-inventor's signature	
- Cuit	Sep. 10 4 200.
Residence WALDSPIELPLATZ 5, 82319 STARNBERG, GERMANY	27. 10 260
GRMANY	
Posi Cifice Address SAME AS ABOVE	
Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	
Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Citizenship Post Office Address	
Post Office Address	
Post Office Address  Full name of such inventor, if any	
Post Office Address  Full name of switn inventor, if any  switn inventor's signature	Care
Post Office Address  Full name of switn inventor, if any  switn inventor's signature	Care
Post Office Address  Full name of such inventor, if any  Sixth inventor's signature  Posicience	Date
	Date



# United States Patent and Trademark Office

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# PATENT APPLICATION INFORMATION RETRIEVAL



Search results as of: 8-12-2005::16:34:20 E.T.

Search results for application number: 10/613,639					
Application Number:	10/613,639 Customer				
Filing or 371(c) Date:	/	Status:	Docketed New Case - Ready for Examination		
Application Type:	Utility	Status Date:	10-01-2004		
Examiner Name:	ALSTRUM ACEVEDO		ELECTRONIC		
Group Art Unit: 1616 Locati		Location Date:			
	Confirmation Number: 4624		US 2004-0062721 A1		
Attorney Docket Number:	3818.02-5	Earliest Publication Date:	04-01-2004		
Class/ Sub-Class: 424/045  First Named Alan Montgomery, Inventor: Medina, WA (US)		Patent Number:	-		
		Issue Date of Patent:	-		
Title Of Invention: Inhalable aztreonam lysinate formulation for treatment and prevention					

Search Options

Continuity Data
Image File Wrapper
Published Documents

	File History			
Date Contents Description				
10-28-2004 Rule 47 / 48 Correction of Inventorship Papers Filed				
07-28-2005				
03-22-2005	Reference capture on IDS			
03-22-2005	Information Disclosure Statement (IDS) Filed			
10-05-2004	IFW TSS Processing by Tech Center Complete			
04-26-2004	Reference capture on IDS			
04-26-2004				
07-03-2003 Oath or Declaration Filed (Including Supplemental) 07-03-2003 New or Additional Drawing Filed				
				10-01-2004
03-17-2004	Application Return from OIPE			
12-23-2003	Application Return TO OIPE			

12-23-2003	Application Dispatched from OIPE
12-23-2003	Application Is Now Complete
11-10-2003	Additional Application Filing Fees
11-10-2003	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic
12-23-2003	Notice MailedApplication IncompleteFiling Date Assigned
09-16-2003	Cleared by OIPE CSR
09-04-2003	IFW Scan & PACR Auto Security Review
07-03-2003	Initial Exam Team nn

3818.02-5 OT 2.8 2004 5

PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Group Art Unit: 1616

ALAN BRUCE MONTGOMERY, ET AL. )

Examiner: N/A

Serial No.: 10/613,639

Filed: JULY 3, 2003

FOR: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on Absul. 1004.

Melinda Tompkins

CONSENT OF ASSIGNEE TO CHANGE
OF INVENTORSHIP IN THE PATENT APPLICATION
UNDER 37 C.F.R. §3.73(b)

Corus Pharma, Inc., owner by assignment of the above patent application, in the Assignment recorded in the Patent Office on November 10, 2003 at Reel 014674 and Frame 0290, hereby consents to the amendment of inventorship of this patent application as requested in the accompanying papers.

Dated

Signature Downer Score Title: Why Thance CFU Corus Pharma, Inc. CFU

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

3818.02-5

) Group Art Unit: 1616 ALAN BRUCE MONTGOMERY, ET AL. )

Serial No.: 10/613,639 Filed: JULY 3, 2003 Examiner: HAGHIGHATIAN, MINA

For: INHALABLE AZTREONAM LYSINATE FORMULATION FOR TREATMENT AND

PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on October 25, 2004.

Melinda Tompkins

AMENDMENT, REQUEST AND FEE TO ADD NAMES OF INVENTORS OF INVENTION ORIGINALLY DISCLOSED AND NOW BEING CLAIMED (37 C.F.R. 148(C))

NON-PROVISIONAL APPLICATION

1. This Amendment and Request under 37 C.F.R.  $\S$  1.48(c) is to add the names of the following persons as inventors who are the inventors of the invention now being claimed:

Manfred Keller

Frank-Christophe Lintz

The claims in this application are as follows:
 Originally filed claims 1-20.

10/29/2004 HVUUNG1 00000006 10613636

01 FC:1460

130.00 DP



WITED STATES DEPARTMENT OF COMMERCE sited States Patent and Trudemark Office new COMMISSIONER FOR PATENTS F.O. Bas 1459

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Bib Data Sheet

CONFIRMATION NO. 4624

DID DUILD CHICEL									
SERIAL NUME 10/613,638		FILING OR 371(c) DATE 07/03/2003 RULE	(	CLASS 424	GRO	1616	T UNIT		ATTORNEY OCKET NO. 3818.02-5
	APPLICANTS								
Alan Bruc	e Mon	tgomery, Medina, WA;	121	tnA-					
Alan Bruce Montgomery, Medina, WA;  CONTINUING DATA  This application is a CIP of 10/027,113-12/20/2001 PAT 6,660,249 which claims benefit of 60/258,423 12/27/2000  FOREIGN APPLICATIONS  FREQUIRED, FOREIGN FILING LICENSE GRANTED SMALL ENTITY STANLONG									
** 10/01/2003 Foreign Priority claim									
35 USC 119 (a-d) co met Verified and Acknowledged	nditions	Allowance Allowance	er ###	STATE OR COUNTRY WA		EETS WING 3	TOTA CLAII -20	MS	INDEPENDENT CLAIMS
ADDRESS Hana Verny Peters, Verny, Jones & Schmitt, L.L.P. 425 Sherman Avenue Suite 230 Palo Atto, CA94305									
TITLE									
Inhalable aztreor	nam ly	sinate formulation for tr	eatment	t and preventio	n of pu	ılmonarı	/ bacteria	al infe	ctions /
						O All	Fees	***********	
□ 1.16 Fees (Filing)							۵\		
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FILING FEE RECEIVED	FEES No.	: Authority has been gi	ven in Pa edit DEP	aper OSIT ACCOU	NT	1.17 Fees ( Processing Ext. of time )			
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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )
ALAN BRUCE MONTGOMERY, ET AL. )

Serial No.: 10/613,639 )
Filed: JULY 3, 2003

FOR: INHALABLE AZTREONAM LYSINATE
FORMULATION FOR TREATMENT AND
PREVENTION OF PHIMONARY PACTERIAL INERCENT

PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Asistant Commissioner for Patents, Washington, D.C. 20231 on Control of Service 15, 2014.

While to Timps Melinda Tompkins

# STATEMENT

I, ALAN BRUCE MONTGOMERY, hereby state that the omission of Manfred Keller's and Frank-Christophe Lintz's names as co-inventors and the error in inventorship happened without any deceptional intent on my, or anybody else's part, and that until now I believed myself to be properly named as sole inventor. When the error in inventorship was discovered, my co-inventors, Corus Pharma, Inc., the assignee of the invention and our patent attorney immediately took all necessary steps to correct this error.

Dated.

Sast 14, 2004

ALAN BRUCE MONTGOMERY

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PATENT

# IN THE CHITES STATES PATENT AND TRADEMARK OFFICE

In re Application of	)
	) Group Art Unit: 1616
ALAN BRUCE MONTGOMERY, ET AL.	)
	) Examiner: N/A
Serial No.: 10/613,639	)
Filed: JULY 3, 2003	)
	i

FORMULATION FOR TREATMENT AND

PREVENTION OF PULMONARY BACTERIAL INFECTIONS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Agristant Commissioner for Patents, Washington, D.C. 20231 on Action 25 2004.

Melinda Tompkins

## STATEMENT

I, MANFRED KELLER, hereby state that the omission of my and Frank-Christophe Lintz's names as co-inventors and the error in inventorship happened without any deceptional intent on my, or anybody else's part, and that until now I did not know that this error in inventorship occurred. When the error in inventorship was discovered, my co-inventors, Corus Pharma, Inc., the assignee of the invention and our patent attorney immediately took all necessary steps to correct this error.

Dated

MANERED KEILE

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PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)
ALAN BRUCE MONTGOMERY, ET AL.	) Group Art Unit: 1616
	) Examiner: N/A
Serial No.: 10/613,639	)
Filed: JULY 3, 2003	)
	)
For: INHALABLE AZTREONAM LYSIN	ATE
FORMULATION FOR TREATMENT AND	
PREVENTION OF PULMONARY BACTER	IAL INFECTIONS
Commissioner for Patents	
P.O. Box 1450	
Alexandria, VA 22313-1450	
Sir:	

# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on Allanda J. 2004.

STATEMENT

I, FRANK-CHRISTOPHE LINTZ, hereby state that the omission of my and Manfred Keller's names as co-inventors and the error in inventorship happened without any deceptional intent on my, or anybody else's part, and that until now I did not know that this error in inventorship occurred. When the error in inventorship was discovered, my co-inventors, Corus Pharma, Inc., the assignee of the invention and our patent attorney immediately took all necessary steps to correct this error:

Dated.

Sep. 10th 2004

FRANK-CHRISTOPHE LINTZ

 Statement From Each Person Being Added As Inventor (37 C.F.R. §1.48(c)(1));

Attached is a statement from each person being added as an inventor that the inventorship error occurred without deceptive intent on his or her part.

Declaration (37 C.F.R. §1.48(c)(2)).

Attached is a declaration by the actual inventors as required by \$1.63 (or as permitted by  $\$\$\ 1.42$ , 1.43 or 1.47).

5. Assent of Assignee of Any Originally Named Inventors (37 C.F.R. § 1.48(c)(4).

Attached is the written consent of the assignee of the originally named inventor.

6. Fee (37 C.F.R. §1.17(i)).

The fee required is paid as follows:
Enclosed is a check for \$130.00.
Charge Deposit Account 16-1331 for any fee deficiency.

Respectfully submitted,

Date: October 25, 2004

Hana Verny (Reg./No. 30,518)

Attorney of Record

PETERS, VERNY, JONES & SCHMITT, L.L.P. 425 Sherman Avenue, Suite 230

Palo Alto, CA 94306

TEL 650 324 1677 / FAX 650 324 1678

Atty. Dkt.: 3818.02-5 (HV)



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Adhres ON STATES OF PATENTS D. Bal. 1440-15. ACAMER, Wigner 2013-1450

# Bib Data Sheet

**CONFIRMATION NO. 4624** 

DID Data Sileet									
SERIAL NUME 10/613,639 		FILING DATE 07/03/2003 RULE		CLASS 424	GRO	UP AR1 1616	UNIT		ATTORNEY OCKET NO. 3818.02-5
APPLICANTS									
Alan Bruce Montgomery, Medina, WA; 🗸									
** CONTINUING DATA **********************************									
"FOREIGN APPLICATIONS """"""""""""""""""""""""""""""""""""									
Foreign Priority claimed 🔲									
35 USC 119 (a-d) con met	nditions	yes no Dyset att	es .	STATEOR	SHE	ETS	TOTA	L	INDEPENDENT
Verified and Acknowledged		Allowance hi	IIII) liais	COUNTRY		WING 3	CLAIM مهجر		CLAIMS 2 1
ADDRESS Hana Verny PETERS, VERNY, JONES & SCHMITT LLP Suite 6 385 Sherman Avenue Palo Alto, CA Palo									
TITLE Inhalable aztreonam lysinate formulation for treatment and prevention of pulmonary bacterial infections									
						□ All	Fees		
FILING FEE	FILING FEE FEES: Authority has been given in Paper		aner			1.16 Fees ( Filing )			
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PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)				
ALAN BRUCE MONTGOMERY, ET AL.	) Group Art Unit: 1616				
	) Examiner: HAGHIGHATIAN, MINA				
Serial No.: 10/613,639	)				
Filed: JULY 3, 2003	)				
	)				
For: INHALABLE AZTREONAM LYSIN	IATE				
FORMULATION FOR TREATMENT AND					
PREVENTION OF PULMONARY BACTERIAL INFECTIONS					

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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Melinda Tompkins

AMENDMENT, REQUEST AND FEE TO ADD NAMES OF INVENTORS OF INVENTION ORIGINALLY DISCLOSED AND NOW BEING CLAIMED (37 C.F.R. 148(C)) NON-PROVISIONAL APPLICATION

1. This Amendment and Request under 37 C.F.R. § 1.48(c) is to add the names of the following persons as inventors who are the inventors of the invention now being claimed:

Manfred Keller

Frank-Christophe Lintz

2. The claims in this application are as follows:

Originally filed claims 1-20.

10/29/2004 HVUUNG1 00000006 10613636

01 FC:1460

130.00 DP

3. Statement From Each Person Being Added As Inventor (37 C.F.R. §1.48(c)(1)):

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TEL 650 324 1677 / FAX 650 324 1678

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In re Application of ) Group Art Unit: 1616

ALAN BRUCE MONTGOMERY, ET AL. ) Examiner: N/A

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Corus Pharma, Inc., owner by assignment of the above patent application, in the Assignment recorded in the Patent Office on November 10, 2003 at Reel 014674 and Frame 0290, hereby consents to the amendment of inventorship of this patent application as requested in the accompanying papers.

Dated

Signature Donly Sector Title: White Finance CFU Corus Pharma, Inc. CFU

# ATES PATENT AND TRADEMARK OFFICE

In re Application of

Group Art Unit: 1616

ALAN BRUCE MONTGOMERY, ET AL.

Examiner: N/A

Serial No.: 10/613,639 Filed:

JULY 3, 2003

For: INHALABLE AZTREONAM LYSTNATE FORMULATION FOR TREATMENT AND

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ALAN BRUCE MONTGOMERY

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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Melinda Tompkins

# STATEMENT

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PATENT

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In re Application of	l
ALAN BRUCE MONTGOMERY, ET AL.	Group Art Unit: 1616
, == .== ;	Examiner: N/A
Serial No.: 10/613,639	
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FRANK-CHRISTOPHE